

### **REMARKS**

In the Final Office Action<sup>1</sup>, the Examiner rejected claims 6-13 under 35 U.S.C. § 112, first paragraph; and rejected claims 6-13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,714,797 to Rautila ("*Rautila*").

Applicant amends claims 6, 9, 10, and 13, cancels claims 7 and 11, and adds claims 14-22. The rejections of cancelled claims 7 and 11 are now moot. Claims 6, 8-10, and 12-22 are now pending.

The Examiner rejected claims 6-13 under 35 U.S.C. § 112, first paragraph, alleging that the claim recitation "enabling the customer to view physical commodities that are available for purchase, in addition to the electronic content items, at the store information terminal" lacks support in the specification (Final Office Action at page 3). As detailed in the Request for Reconsideration filed on October 6, 2008, Applicant traverses the rejection.

However, in an attempt to advance prosecution, Applicant amend claims 6 and 10 to recite "enabling the customer to view physical commodities on a screen of the store information terminal physical commodities that are available for purchase, in addition to the electronic content items." Support for the amendment is found throughout the specification.

For example, the specification discloses, "[t]he goods distribution system uses store terminals 5A to 5N to provide **various services** in addition to the **sale of commodities**," as well as "provide music as **electronic contents**" (page 11,

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

line 20-page 12, line 2) (emphasis added). The store terminals 5A to 5N may facilitate the providing of services, commodities, and electronic contents to users by displaying “car, book, shopping, photo print, message service, music download, and ticket menus” (page 21, lines 8-14).

Because amended independent claims 6 and 10, and their dependent claims 8, 9, 12, and 13 are fully supported by the specification, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 6, 8-10, 12, and 13 under 35 U.S.C. § 112, first paragraph.

Applicant respectfully traverses the rejection of claims 6-13 under 35 U.S.C. § 103(a) as being unpatentable over *Rautila*. A *prima facie* case of obviousness has not been established.

*Rautila* fails to teach or suggest all the recitations of claim 6. In rejecting claim 6, the Examiner alleges that the “unique order number” of *Rautila* equates to the claimed “identification code” (Final Office Action at pages 2-3). The Examiner is incorrect. As recited in claim 6, the “identification code corresponds only to the electronic content item.”

On the contrary, *Rautila* discloses that the unique order number “correspond[s] to the mobile device, the ordered digital product, and the identified hotspot network” (col. 9, lines 61-62). Accordingly, the unique order number of *Rautila* does **not** correspond only to the desired digital product.

Claim 6, as amended, also recites, “enabling the customer to view on a screen of the store information terminal physical commodities that are available for purchase, in

addition to the electronic content items.” *Rautila* does not teach or suggest the enabling step as recited in claim 6.

The Examiner concedes that “*Rautila* fails to teach enabling the customer to view *physical commodities* in addition to the electronic content items that are available for purchase” (Final Office Action at page 5). The Examiner alleges, “it would have been obvious to one of ordinary skill in the art to transmit advertisements to the mobile device for physical products available at the hotspot location (i.e. available at the shopping mall or store) in order to promote sales” (Final Office Action at page 5).

The Examiner provides no documentary evidence to support this allegation. “If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding.” MPEP § 2144.03.

Furthermore, “transmit[ing] advertisements to the mobile device for physical products available at the hotspot location (i.e. available at the shopping mall or store) in order to promote sales” does not teach or suggest “enabling the customer to view on a screen of the store information terminal physical commodities that are available for purchase, in addition to the electronic content items,” as recited in claim 6 (emphases added).

Claim 6, as amended, also recites,

selecting an electronic content item using the remote user terminal; . . . [and]

enabling the customer to download the electronic content item from the store information terminal to a portable recording medium loaded into the store information terminal.

*Rautila* does not teach or suggest the selecting and enabling steps as recited in claim 6.

*Rautila* discloses, a “user . . . may select, via mobile station 10, a particular digital product desired and place a purchase order with the electronic shop server 40” (col. 6, lines 5-7). As further disclosed by *Rautila*, selected digital products are only downloaded to the mobile station (col. 6, lines 18-20, col. 6, lines 30-31, and col. 7, lines 63-66). *Rautila* does not teach or suggest “selecting an electronic content item using the remote user terminal . . . [and] download[ing] the electronic content item from the store information terminal to a portable recording medium loaded into the store information terminal,” as recited in claim 6 (emphases added).

Accordingly, *Rautila* fails to render the subject matter recited in claim 6 obvious. Independent claim 10, though of different scope than claim 6, is allowable over *Rautila*, for at least the same reasons as claim 6. Claims 8, 9, 12, and 13 depend from claims 6 and 10, and are thus allowable over *Rautila*, for at least the same reasons as claims 6 and 10.

New claims 14-22 depend from independent claims 6 and 10, respectively, and are thus allowable over *Rautila* for at least the same reasons as claims 6 and 10.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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